



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

Wisconsin Department of Transportation,

Complainant

v.

Case No.: 98-H-1075

Capital Europa,

Respondent

FINAL DECISION

On May 19, 1998, the Department of Transportation filed a complaint with the Division of Hearings and Appeals pursuant to sec. 218.01, Stats., alleging that Capital Europa has failed to maintain a surety bond or letter of credit as required by sec. 218.01(2)(bb), Stats. Based on this allegation the Department of Transportation is seeking an order suspending the motor vehicle dealer license of Capital Europa. Pursuant to due notice, a hearing was conducted on June 22, 1998, in Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge (ALJ), presided.

In accordance with secs. 227.47 and 227.53(1)(c), Stats., the PARTIES are certified as follows:

Wisconsin Department of Transportation, Complainant, by

Attorney Charles M. Kernats
Office of General Counsel
P. O. Box 7910
Madison, Wisconsin 53707-7910

Capital Europa, Respondent, by

No Appearance

The ALJ issued a proposed decision on July 14, 1998. No objections to the proposed decision were filed. The proposed decision is adopted as the final decision in this matter.

Findings of Fact

The Administrator finds:

1. Capital Europa is a motor vehicle dealer conducting business at 648 East Washington Avenue, Madison, Wisconsin. Capital Europa holds a motor vehicle dealer license issued by the Department of Transportation (Department).

- 2 Motor vehicle dealers are required by sec. 218.01(2)(bb), Stats., to maintain a \$25,000 surety bond or letter of credit as a condition of obtaining and maintaining a motor vehicle dealer license.
3. On January 7, 1998, Western Surety Company issued a notice of cancellation of the surety bond it had issued on behalf of Capital Europa. The cancellation was effective on March 20, 1998.
- 4 Capital Europa has not provided evidence of a continuation of the existing bond, a replacement surety bond, or an irrevocable letter of credit to the Department. As of March 20, 1998, Capital Europa has failed to maintain a surety bond or irrevocable letter of credit.

Conclusions of Law

The Administrator concludes:

1. Pursuant to sec. 218.01(3)(a)7, Stats., failure to maintain the surety bond or letter of credit required by sec. 218.11(2)(bb), Stats., is grounds for the denial, suspension, or revocation of the license of a motor vehicle dealer license.
2. Pursuant to secs. 218.01(3)(c) and 227.43(1)(bg), Stats., the Division of Hearings and Appeals has the authority to issue the following order.

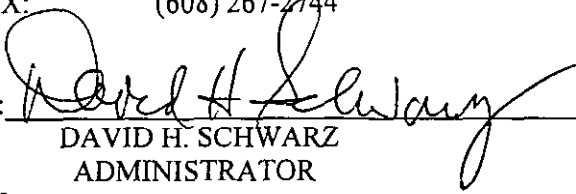
Order

The Administrator orders:

The motor vehicle dealer license of Capital Europa is suspended. This order shall be effective ten days from the date of the final order in this matter.

Dated at Madison, Wisconsin on July 30, 1998.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: 
DAVID H. SCHWARZ
ADMINISTRATOR